



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2720 of 2015

and

M.P(MD)No.1 of 2015

WEB COPY

M.Madhi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devekottai, Sivagangai District.

3.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

4.Karuppaiah

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in connection with the impugned order passed by the third respondent in Aa5/12179/2012, dated 09.12.2013, quash the same as illegal and consequently directing the respondents 1 to 3 herein to remove the encroachment made by the fourth respondent in the riverbed of Manimutharu river in Survey No.287/45, Veliyari Village, Keelapattamangalam Group, Thiruppathur Taluk, Sivagangai District in the light of the certificate issued by the Village Administrative Officer, No.84, Keelapattamangalam Group, Pattamangalam, Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mrs.S.Bharathy Kannan

For Respondents : Mr.M.Govindan,
Special Govt.Pleader for RR 1 to 3
Mr.V.Kannan for R4

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

This writ petition has been filed for quashing the memorandum dated 09.12.2013 issued by the third respondent and for removal of the encroachments made by the fourth respondent in Manimutharu



riverbed in Survey No.287/45, Veliyari Village, Keelapattamangalam Group, Thiruppathur Taluk, Sivagangai District.

2.The writ petitioner has fairly admitted that when he moved this Court for relief on the earlier occasion, he had not given correct survey number. Taking advantage of the same, the impugned order has been passed as if, there is no encroachment committed by the fourth respondent.

3.The certificate issued by the Village Administrative Officer of Pattamangalam village clearly shows the commission of encroachment.

4.This Court therefore while quashing the impugned communication, directs the third respondent to remove the encroachment said to have been made by the fourth respondent after issuing notice to the fourth respondent. If any encroachment is noticed in respect of public property, it cannot be allowed to remain. However, the third respondent will have to follow the statutory procedure. The entire exercise shall be completed within three months from the date of receipt of a copy of this order.

5.This writ petition is allowed as indicated above. Consequently the connected Civil Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer, Devekottai,
Sivagangai District.

3.The Tahsildar, Thiruppathur Taluk, Sivagangai District.

+1cc to M/S.V.KANNAN, Advocate SR.No.76193

+1cc to M/S.S.BHARATHY KANNAN, Advocate SR.No.75951

+1cc to Special Government Pleader, SR.No. 76232

Skm / Arul

MAS/MR-KKR/SAR2:22.09.2017:2P-7C

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and

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